

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
CARGO ON DEMAND, INC., :
:
Plaintiff, : 22-CV-10243 (JMF)
-v- :
:
POLAR AIR CARGO WORLDWIDE, INC., :
:
Defendant. :
:
----- X

JESSE M. FURMAN, United States District Judge:

On July 11, 2023, this Court granted Defendant's motion to dismiss. ECF No. 21. The Court declined to exercise supplemental jurisdiction over Plaintiff's state-law claims pursuant to 28 U.S.C. § 1337(c) and gave Plaintiff an opportunity to amend the complaint. *Id.* at 17-18. On August 4, 2023, Plaintiff moved to stay this case pending resolution of related criminal proceedings. ECF No. 22. On August 21, 2023, this Court denied that motion. ECF No. 28.

Plaintiff now "believes that the most prudent course of action at this time is to focus on pursuing its remaining state law claims in state court, rather than attempting to amend its RICO claims" and "therefore respectfully requests that the Court issue a final Order dismissing claims III through VIII in its Complaint pursuant to 28 U.S.C. § 1337(c) and without prejudice to re-filing them in state court." ECF No. 29. *See* ECF No. 21 at 17. Because Plaintiff has elected not to amend the complaint, the Clerk of Court is directed to enter judgment in favor of Defendant consistent with the Court's July 11, 2023 Opinion and Order and to close the case. For the avoidance of doubt, as explained in the July 11, 2023 Opinion, Plaintiff's state-law claims are dismissed without prejudice to refiling them in state court. *See* ECF No. 21.

SO ORDERED.

Dated: August 29, 2023
New York, New York



JESSE M. FURMAN
United States District Judge